United Nations CRPD/C/NOR/Q/1

Convention on the Rights of Persons with Disabilities

Distr.: General
30 October 2018

Original: English
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Norway*

A. Purpose and general obligations (arts. 1–4)

General obligations (art. 4)

1. Please inform the Committee about:

(a) The measures taken to review national legislation and public policies, and align them with the Convention;

(b) The mechanisms established and the human and financial resources available at the national, county and municipal levels for meaningful consultation with organizations of persons with disabilities, including those belonging to ethnic, religious, linguistic or sexual minorities, regarding the design and monitoring of legislation and policies aimed at implementing the Convention;

(c) Any cases of discrimination against persons with disabilities in which the Convention has been invoked before district courts, county governors or the Supreme Court;

(d) Any steps taken to ratify the Optional Protocol to the Convention, and the time frame for such a ratification.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please inform the Committee about the measures taken to:

(a) Strengthen the mandate of the Equality and Anti-Discrimination Ombud and the Anti-discrimination Tribunal to promote equality and prevent and ensure accountability for disability-related discrimination, including through the new Gender Equality and Anti-discrimination Act;

(b) Prevent and eliminate multiple and intersectional discrimination on the grounds of disability, age, sex, ethnicity, religion, language, origin, nationality, migration status, intersex traits, sexual orientation and gender identity, in accordance with targets 10.2 and 10.3 of the Sustainable Development Goals.

Women with disabilities (art. 6)

3. Please provide information on:

(a) The strategies in place to ensure that all policies, programmes and other measures to promote the rights of women with disabilities are in line with the Convention

* Adopted by the pre-sessional working group at its tenth session (24–27 September 2018).

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and take into account the Committee's general comment No. 3 (2016) on women and girls with disabilities;

(b) The measures taken to empower women and girls with disabilities as rights holders.

Children with disabilities (art. 7)

4. Please provide information on:

(a) The mechanisms in place to give the rights of children with disabilities, including those of migrant or refugee parents and those in reception centres, due consideration in law and policy;

(b) The measures taken to follow up on recommendations made by the Committee on the Rights of the Child (CRC/C/NOR/CO/4, para. 23);

(c) The consultations held with children with disabilities and their representative organizations regarding the adoption and implementation of legislation that concerns them, including the Education Act and the Patients' Rights Act.

Awareness-raising (art. 8)

5. Please provide information on the measures taken to promote awareness of the rights of persons with disabilities under the Convention among judicial and prison personnel, law enforcement officers, service providers and persons with disabilities themselves. Please also provide information on the steps taken to modify and address stereotypes, prejudice and harmful practices against persons with disabilities in all aspects of life, including on the grounds of sexual orientation, gender identity or being intersex, including in schools and in the media.

Accessibility (art. 9)

6. Please provide updated information on the National Development Programme for Universal Design in Counties and Municipalities (2009–2013) and the programme that is currently applicable, including a time frame and the funding available. Please indicate the mechanism that monitors the implementation of accessibility standards and applicable penalties for non-compliance.

7. Please inform the Committee about the measures, planned or already implemented, to align its anti-discrimination legislation with European Union Directive 2016/2102 of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, and to consult organizations of persons with disabilities in this process. Please also provide information on the initiatives taken and/or guidelines produced to promote the implementation of accessibility measures in the public and private sectors.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on any disaster risk reduction strategies developed in consultation with organizations of persons with disabilities, and on the applicability of these strategies to different groups of persons with disabilities.

Equal recognition before the law (art. 12)

9. Please provide information about the steps taken by the State party to withdraw its declaration on article 12 of the Convention and on the measures taken to raise awareness of the right of persons with disabilities to legal capacity. Please also indicate:

(a) The initiatives taken to replace substituted decision-making regimes with supported decision-making regimes and to reduce the number of persons under guardianship and replace it with supported decision-making alternatives, including for persons with psychosocial or intellectual disabilities;

(b) Statistics, disaggregated by sex, age and impairment, on persons that remain under full or partial guardianship and on those whose legal capacity has been fully reinstated after the ratification of the Convention;

(c) The guidelines produced and the training and awareness-raising programmes given after the entry into force of the Guardianship Act to guardians on the rights of persons with disabilities as full persons before the law, in collaboration with organizations of persons with disabilities;

(d) The applicable supervisory procedures for sanctions in case of non-compliance and the remedies available for persons with disabilities or immediate family members who oppose a given decision by a guardian.

Access to justice (art. 13)

10. Please provide information about:

(a) The steps taken to ensure that persons with disabilities, especially persons with actual or perceived psychosocial or intellectual impairments, are guaranteed access to the justice system, including through the provision of reasonable procedural accommodation, in line with target 16.3 of the Sustainable Development Goals;

(b) The measures taken to ensure that free legal aid is provided in all cases (CCPR/C/NOR/CO/7, paras. 28–29), and that access to education, and health-care services are prioritized in the Legal Aid Act.

Liberty and security of the person (art. 14) and freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

11. Please inform the Committee about the steps taken by the State party to withdraw its declaration on article 14, and on the progress made, through the 2016 amendment, to ensure that the Mental Health Act is in accordance with article 15 (1) of the Convention, including with regard to persons with "mental disabilities" who require diverse, non-conventional methods of communication to express their consent. Please also provide information on:

(a) The steps taken to repeal laws and practices that permit the detention of persons based on actual or perceived psychosocial impairment, including forced hospitalization and institutionalization;

(b) The legal and other steps taken to prohibit disability-based use of force and coercion measures, especially in the Health and Care Services Act, and to protect and guarantee the right of persons with disabilities, including persons with intellectual disabilities, to be free from torture or cruel, inhuman or degrading treatment;

(c) The measures taken to ensure that any medical treatment is based on the free and informed consent of the individual concerned, and to prevent and protect persons with disabilities from forced medical treatment, including electroconvulsive therapy and involuntary admission (E/C.12/NOR/CO/5, para. 19, and CAT/C/NOR/CO/8, para. 22). In this regard, please indicate whether any monitoring and review mechanisms have been established. Please also provide gender-specific data on the types of injuries caused by electroconvulsive therapy;

(d) The measures taken to provide individualized in-home, residential and community-based services, including peer support, that respect the will, dignity and preferences expressed by persons with disabilities.

Freedom from exploitation, violence and abuse (art. 16)

12. Please explain the measures taken to prevent and combat exploitation, violence and abuse against persons with disabilities, particularly women and girls with disabilities, to encourage such persons to report cases and to eliminate impunity for violence against women and girls with disabilities.

13. Please provide information about:

(a) The steps taken to officially recognize violence against persons with disabilities as hate crime and the initiatives taken to prevent, investigate and sanction hate speech, bullying and online abuse against persons with disabilities;

(b) The initiatives taken to ensure that women and men with disabilities who are survivors of exploitation, violence or abuse, including sexual violence within the family or incest, have access to accessible complaint mechanisms and physical and psychological recovery, rehabilitation and social inclusion services that are of an equal standard in all municipalities, and provide corresponding data, including on their physical access to service centres and to personal assistance.

Protecting the integrity of the person (art. 17)

14. Please provide more information on:

(a) The legal and other measures to bring all legislation, particularly the Patients' Rights Act, the Sterilization Act and legislation governing abortion, into line with article 12 of the Convention, and to protect persons with psychosocial or intellectual disabilities from forced contraception, sterilization, the use of drugs and castration;

(b) The steps taken to prohibit the sterilization of women and girls with disabilities, as well as of intersex persons, and the castration of boys and men with disabilities without their own free and informed consent, and data on such cases involving persons considered to lack legal capacity. Please indicate the procedures to obtain consent from a third party for carrying out the sterilization of women and girls with disabilities and intersex persons, and the castration of boys and men with disabilities without the consent of the person concerned;

(c) Available support, rehabilitation and legal remedies for intersex persons identifying as persons with disabilities that have been subjected to non-consensual medical procedures, including castration and sterilization.

Liberty of movement and nationality (art. 18)

15. Please provide information on the policies, programmes and accessible language courses, including sign language, that aim to integrate migrants, asylum seekers and refugees with disabilities.

Living independently and being included in the community (art. 19)

16. Please provide information on:

(a) The steps taken to ensure the deinstitutionalization of all children and adults, including older persons with disabilities, that currently live in institutions, taking into account general comment No. 5 (2017) on living independently and being included in the community;

(b) The legislative measures taken to end institutionalization, the use of coercive health care and drug rehabilitation of older persons in nursing homes, stimulation centres, group homes and residential institutions;

(c) The public and private funding available for the establishment of individualized housing, aiming to guarantee the right of persons with disabilities, including those with intellectual disabilities, to choose where, how and with whom to live, and to avoid their placement in group homes;

(d) The current status of the National Strategy for Housing and Support Services (2014–2020) and the actions taken to empower municipalities and ensure the provision of community-based and independent living services, individualized high-quality personal assistance and accessible information, including sign language interpretation, in this framework. Please also provide information on the involvement of organizations of persons with disabilities in the implementation of this strategy;

(e) The findings of the Public Committee on Fundamental Rights of Persons with Intellectual Disabilities, as well as on the consequent measures taken.

Freedom of expression and opinion, and access to information (art. 21)

17. Please provide detailed information on the policies and programmes to ensure the full access of persons with disabilities, especially persons with visual impairments, deaf and deafblind persons, to public information, including on public events, television, radio and the Internet, through, inter alia, sign language, Braille, audio or tactile information, Easy Read, pictograms, as well as through augmentative and alternative communication, including guide interpreters.

Respect for home and the family (art. 23)

18. Please provide updated information on:

(a) The steps taken to increase the expertise of the Child Welfare Services to interact with parents with intellectual disabilities, including at the municipal level, and to raise the awareness of these services on the rights of the child;

(b) The measures taken to prevent children, regardless of age, from being separated from their parents on the basis of disability;

(c) The meaningful consultation of children with disabilities and their representative organizations in the processes mentioned above.

Education (art. 24)

19. Please provide updated information on:

(a) The measures taken to guarantee that teachers, specialists and auxiliary staff have the necessary qualifications, competences and pedagogical capabilities and measures to raise the awareness of children and parents with children with or without disabilities about the inclusion of children and persons with disabilities in the mainstream education system;

(b) National and local initiatives to provide reasonable accommodation for students with disabilities in mainstream educational institutions;

(c) The measures taken to provide adapted learning environments for persons and children with disabilities in mainstream schools, including those who are deaf, deafblind or hard of hearing.

Health (art. 25)

20. Please provide information about:

(a) Any steps that have been taken by the State party to withdraw its declaration on article 25 (specifically related to voluntary consent, article 25 (d));

(b) The availability of accessible information, including in Braille, sign language, Easy Read and alternative/supplementary communication, on the rights of persons with disabilities within the health-care system, especially regarding sexual and reproductive health rights;

(c) The training offered to health-care personnel on the rights of persons with disabilities and the measures taken to evaluate the impact of such training;

(d) The measures taken to ensure that persons with disabilities are always guaranteed access to the highest attainable standard of health-care services and products, especially for persons with disabilities living independently within the community.

Habilitation and rehabilitation (art. 26)

21. Please provide information on:

(a) The standards applicable to the work of municipal coordinating units, as well as on their achievements in ensuring full access to habilitation and rehabilitation services for persons with disabilities;

(b) The measures taken to guarantee the access of persons with disabilities to individual habilitation and rehabilitation plans that are based on set time frames, and on the applicable sanctions for non-compliance;

(c) The measures taken to overcome disability discrimination by associations for family members who have provided support and protection to relatives with disabilities for extended periods of time, and to promote the return of such family members to the open labour market.

Work and employment (art. 27)

22. Please provide updated information about:

(a) Measures taken to prevent and sanction discrimination against persons with disabilities in work and employment;

(b) The initiatives taken following the Jobs Strategy for Persons with Disabilities (2012–2014) and the follow-up plan for work and mental health (2013–2016) in order to significantly increase the low percentage of persons with disabilities working in the open labour market, especially persons with psychosocial or intellectual disabilities, and enable the transition from sheltered workplaces to the open labour market;

(c) The efforts to improve data collection on persons with disabilities in paid employment or self-employment disaggregated by sex, age, ethnicity, type of impairment, socioeconomic status and place of residence.

Adequate standard of living and social protection (art. 28)

23. Please provide information in relative and absolute terms, and in relation to persons without disabilities earning an average income in the State party, on the expected lifelong income of:

(a) Persons with disabilities receiving a disability allowance (*uføre*) between the ages of 18 and 62, without additional income;

(b) Persons entitled to a disability allowance from the age of 45 after having earned an average annual income of 700,000 Norwegian kroner over the last 5 years.

Participation in political and public life (art. 29)

24. Please provide information on the measures foreseen to ensure fully accessible voting procedures for all persons with disabilities, including through the provision of accessible polling stations and political information material.

25. Please provide updated information on the efforts to guarantee the effective representation of persons with disabilities, especially women, in political and public decision-making positions at all levels in the State party.

Participation in cultural life, recreation, leisure and sport (art. 30)

26. Please provide details on the measures taken to:

(a) Eliminate sociocultural/environmental barriers hindering the participation of persons with disabilities in cultural life, recreational and sports activities, television and films;

(b) Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, and provide a corresponding timeline.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

27. Please provide information on the statistics, indicators and benchmarks regarding persons with disabilities, guided by the Washington Group's Short Set of Questions on Disability, to measure the impact of public policies designed to implement the Convention.

28. Please inform the Committee about the mechanisms in place to develop targeted and effective policies to promote equality and combat discrimination against persons with disabilities based on quality data.

International cooperation (art. 32)

29. Please inform the Committee about:

(a) The measures taken to ensure the involvement of persons with disabilities in the design and implementation of international cooperation initiatives, including the 2030 Agenda for Sustainable Development;

(b) The measures taken to mainstream a disability perspective into all development policies and programmes.

National implementation and monitoring (art. 33)

30. Please inform the Committee about:

(a) The measures taken to coordinate the implementation of the Convention among national, county and municipal entities;

(b) The initiatives taken, including the allocation of financial resources, to guarantee the meaningful participation of representative organizations of persons with disabilities in the implementation, monitoring and reporting of the Convention;

(c) The role of the Norwegian Human Rights Institution in relation to article 33 (2) of the Convention, including through reporting on the implementation of the Convention, and on its collaboration with representative organizations of persons with disabilities.